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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/816,507

03/23/2001

Anthony Frank Menninger

41556/04096 (RS11P057)

6292

22428

7590

05/06/2002

FOLEY AND LARDNER
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EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,507

Applicant(s)

MENNINGER ET AL.

Examiner

Naresh Vig

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s) _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1 – 18 are rejected under 35 USC § 102(e) as being unpatentable over Brockman, U.S. Patent 5,884,300.

Regarding claims 1 – 12, Brockman discloses an inventory pipeline management system that provides full-stream inventory management solution for the inventory that is normally present between the manufacturing and the field consumption points. The system considers each field element (i.e., field office or local distribution center) as a unique entity and models product inventory levels required to support each field element's operations. Brockman uses a model to determine a model inventory value for products at each field element in an

inventory supply chain, key data elements are localized and compared with actual inventory values collected from the field elements to determine if a need for replenishment exists.

The inventory pipeline management system considers each field element as a unique entity and establishes inventory levels on a product-by-product basis as required to support each field element's operations using a computer system. Inventory management decisions are made automatically from a comparison of model-determined inventory values and actual inventory values collected from the field.

Brockman collects data from a logistics/transportation section and the field office/local distribution centers and determines an actual inventory value for each product and field office/local distribution center. Also, The inventory pipeline management system can collect up-to-date inventory data on a frequent basis, e.g., daily, and automatically determine if inventory levels for products at each field office/local distribution center are in accordance with the inventory model.

In addition, the inventory model can be updated on a frequent basis to account for changes in desired inventory levels for individual products and/or field office/local distribution centers. The data collection unit collects data for each product and field office/local distribution center and loads the data into the inventory model determination unit for an inventory model value determination.

The inventory model determination unit determines a model inventory value for each product at each field office/local distribution center. (For example,

Products available at the field office/local distribution center = Quantity of products on hand – Damaged products).

Also, Brockman discloses that the product available to be consumed or distributed to customers for any given day (Q_{today}), is determined from inputs of yesterday's product available to be consumed (first identification information) ($Q_{\text{yesterday}}$), today's product consumed or damaged (Q_{depleted}), and today's product received from the supplier ($Q_{\text{manufactured}}$). For example,

$$Q_{\text{today}} = Q_{\text{yesterday}} - Q_{\text{depleted}} + Q_{\text{manufactured}}$$

Data from field offices/local distribution centers is output to the general purpose computer by general purpose computers located at each field office/local distribution center. The logistics/transportation section outputs data to general purpose computer.

Brockman does not disclose registering field offices/local distribution centers. However Brockman declares that its system considers each field element as a unique entity. It is inherent that each field office/local distribution center is identified in the system.

Also, Brockman does not disclose using a network. However, Brockman discloses that the inventory model can be automatically updated, or manually by managers after reviewing the validation and discrepancy reports. It is inherent that Brockman has implemented a network for automatic updates of inventory models.

Additionally, Brockman does not disclose using Internet for networking. It is obvious at the time of applicant's invention to a person with ordinary skill in the art to implement Brockman using Bridged Network, Wide Area Network, Internet etc. as means for connecting computers.

Regarding claims 13 – 18, Brockman does not disclose computer having computer program. However it is inherent that Brockman has computer program to run the computer system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Brockman, U.S. Patent 5,884,300 discloses Inventory Pipeline Management System

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The

fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

April 22, 2002


BRYAN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100